

designated as a BLM utility corridor at a future date. Currently, there are no plans to take on the action of writing a Plan Amendment. The BLM parcels of land crossed by TEP's proposed alignment are currently identified as suitable for disposal (that is, lands that may be sold) through the state indemnity selection programs or state or private exchange.

In addition to the NEPA process, BLM is required to comply with the FLPMA, and must have the following items completed, which are underway concurrently with the EIS, before issuing a ROD:

- A detailed "Plan of Development" (TEP 2003) which outlines how the project will be constructed and the impacts to endangered species, cultural sites, and other affected management plans.
- An investigation, with recommendations for mitigation actions, relating to endangered species, cultural sites, and Resource Management Plans.

USIBWC. USIBWC has provided its purpose and need as follows:

The purpose and need for USIBWC action is to review plans for construction of the proposed project where it would cross the border between the United States and Mexico and assess whether the effects of the proposed project would be consistent with existing bilateral arrangements between the two countries or would obscure or otherwise impact the international border. Specific USIBWC concerns about the proposed project include evaluating whether there would be adverse impacts on the visibility and permanent placement of the international boundary monuments and markers, whether project-associated structures could limit access to the international boundary monuments and markers, whether the present drainage patterns to and from Mexico would be affected, and whether potential transboundary pollution problems associated with the proposed project are properly addressed to insure that none occur in either country. USIBWC will not approve any construction in the United States that increases, concentrates, or relocates overland drainage flows into either the United States or Mexico. Surface drainage must be handled so that there is no increase of volume, peak runoffs, or flow concentration across the border in either direction (USIBWC 2003). Prior to construction of the selected corridor, TEP would provide to USIBWC, for its approval, copies of any hydrological or hydraulic studies and site-specific drawings for work proposed in the vicinity of the U.S.-Mexico border. This would include review of any structures proposed to be constructed in any drainage courses that cross the border. USIBWC is a cooperating agency in preparation of this EIS, and typically will use information in an EIS in conjunction with review of project studies and plans to prepare a letter of concurrence, if appropriate, to the project proponents (in this case, TEP).

1.3 PUBLIC PARTICIPATION

Public participation in the EIS process includes two formal opportunities for input: (1) public scoping period, where interested or potentially affected agencies, organizations, tribes, and members of the public are invited to comment on the appropriate scope or content of the EIS, through comment submittal and public hearings; and (2) Draft EIS comment period, where interested or potentially affected agencies, tribes, organizations, and members of the public are invited to comment on the document and participate in public meetings. Comments received outside of these two formal comment periods are still considered, to the extent practicable. A summary of the public participation process to date for the TEP EIS, including the issues raised and the cooperating agencies' review of these issues, follows.

The “Notice of Intent to Prepare an Environmental Impact Statement (EIS) and to Conduct Public Scoping Meetings and Notice of Floodplain and Wetlands Involvement” for the proposed project was published in the *Federal Register* (66 FR 35950) on July 10, 2001. Announcements were also placed in local newspapers. A factsheet translated into Spanish is provided on the proposed project website maintained for DOE (www.tclclient.com/TEP). Public scoping meetings were held by DOE on July 30, 2001, at the Rancho Resort in Sahuarita, Arizona, and on July 31, 2001, at the Rio Rico Resort in Rio Rico, Arizona. Both oral and written comments were invited and received at these meetings. A total of 65 individuals presented formal oral comments at the two public scoping meetings. Written scoping comments were also solicited in the announcements. The public comment period was initially to have closed on August 9, 2001, but, in response to requests from the public, was extended until August 31, 2001. From November 27 to 29, 2001, USFS, BLM, and USIBWC met with DOE to review all scoping comments received to date. As of November 27, 2001, approximately 200 people had submitted formal written scoping comments by letter, email, and postcard campaign. DOE and the cooperating agencies have continued to receive public comments up to the printing of this Draft EIS; the “interested party” mailing list for the project last totaled about 1,500 addresses. In addition to the public participation process, consultations are ongoing with Federal, state, and local resource management and regulatory agencies as well as interested tribal governments, as documented in Chapter 10 and Appendix A of this EIS. The Crossover Corridor was added for analysis in the EIS based on public and tribal input received during the public scoping period and tribal consultations.

The issues raised that are within the scope of the EIS are summarized first below; then, issues raised that are not within the scope of the EIS are discussed.

1.3.1 Issues Within Scope of the EIS

Three commentors made suggestions on combining portions of TEP’s proposed routes to make a new alternative. The Crossover Corridor, a combination of the northern portion of the Western Corridor and the southern portion of the Central Corridor, connected with a new segment through Peck Canyon, was added to this EIS as a reasonable alternative for analysis based on these comments and tribal consultations.

Other comments received that were addressed in the EIS are briefly summarized below:

Eleven commentors questioned TEP’s purpose and need for the project, and the role of the public in the decision-making process.

One hundred and eleven commentors raised issues regarding the biodiversity and visual beauty of the region. Particular areas highlighted included the Coronado National Forest, Pajarita Wilderness, Goodding Research Natural Area, Sycamore Canyon, Peña Blanca Lake Recreation Area, Juan Bautista de Anza Trail, and Chiltipene Botanical Area. Thirty-two commentors stated concerns about threatened and endangered species, invasive species, protection for wild raptors and birds of prey, and potential effects on tourism, hiking, photography, and birding in the area. Potential impacts to the Sonoran Desert Conservation Plan were also questioned.

Thirty-three commentors raised issues regarding effects on the local community, including the rural character of the area, socioeconomic issues, and historical and cultural resources. Concerns included the historic value of the Santa Cruz Valley, Tohono O’Odham Rancherias, historic mining properties, and Tubac Presidio State Historic Park.

Thirteen commentors raised issues regarding the potential impact of the proposed project on property values in the area.

Two commentors requested that environmental justice issues be examined in the EIS.

Twenty-four commentors questioned the potential effects on human health, including electric and magnetic field (EMF) effects, interference with specially designated flight airspace, the potential for sabotage by terrorists, and safety issues of co-locating a transmission line and a natural gas pipeline.

Fourteen commentors raised issues regarding the potential for erosion during construction, and floodplains and wetlands involvement, specifically the expansion of the South Substation within a floodplain.

1.3.2 Issues Out of Scope of the EIS

The following is a summary of issues raised by the public that are beyond the scope of the EIS.

Five commentors stated that the cumulative impacts of the proposed project and other potential future projects, such as a power plant proposed under development in Nogales, Arizona, by Maestros Group (Maestros 2003) or other power plants, should be evaluated. Consistent with CEQ guidance (CEQ 1997), cumulative impacts have been addressed in this EIS to the extent that the future projects are reasonably foreseeable, the potential resource area impacts overlap, and inclusion of the potential future projects would not be arbitrary. Neither the Arizona Department of Environmental Quality (ADEQ) nor the Pima County Department of Environmental Quality (PDEQ) has received any permit applications for new power plants in the project vicinity of southern Arizona (ADEQ 2003b, PDEQ 2003).

Three commentors suggested that Mexico may build power plants to sell electricity to the United States. DOE is not aware of any proposals by Mexico to build power plants to sell electricity to the United States in the area covered by this EIS. Thus, DOE considers this assertion to be speculative.

One commentor raised issues regarding the potential for development in southern Arizona along the central portion of the project due to increased availability of electricity. Whether or in what manner this proposed project may lead to additional development in southern Arizona is too speculative to be analyzed in this EIS.

Thirty-one commentors suggested additional alternatives to be considered in lieu of TEP's proposed project. These alternatives included TEP building a power plant in Mexico or in Nogales, Arizona; exploring alternative sources of energy; and promoting energy conservation. These suggested alternatives would not fulfill TEP's purpose and need, and are therefore not within the scope of this EIS.

Six commentors suggested that there might be negative effects on the reliability of the U.S. electricity grid due to the proposed connection to Mexico. While examining reliability of the U.S. electricity grid is part of DOE's Presidential Permit application review process, such an examination does not involve a study of environmental impacts and does not require assessment in the EIS. Note that the reliability of local electricity service in Nogales, Arizona, was among the factors considered in screening alternatives.

Two commentors suggested coordinating routes and review processes with the Public Service of New Mexico's (PNM's) proposed transmission line project in the area. The NEPA process of the proposed PNM and TEP projects are being coordinated by DOE and cooperating agencies to the extent practicable. The consideration of impacts from the PNM proposal in this EIS is limited to potential cumulative impacts because the TEP and PNM proposals are at different stages of decisionmaking.